

**I IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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TEMI BAMGBOSE	:	
individually and on behalf of	:	Case No.: 09-cv-00667-MAM
other similarly situated individuals,	:	
Plaintiff,	:	
v.	:	
DELTA-T GROUP, INC., its predecessors,	:	
successors, subsidiaries, and/or assigns,	:	
DELTA-T GROUP SOCIAL SERVICE	:	
STAFFING, INC. and DOES 1 through 4,	:	
Defendants.	:	

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**AFFIDAVIT OF REBEKAH L. BAILEY IN SUPPORT OF  
PLAINTIFF'S MEMORANDUM OF LAW  
IN SUPPORT OF MOTION FOR  
FLSA CONDITIONAL COLLECTIVE ACTION CERTIFICATION  
AND JUDICIAL NOTICE**

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I, REBEKAH L. BAILEY, being first duly sworn upon oath, depose and state as follows:

1. I am an attorney at the law firm of Nichols Kaster, PLLP in Minneapolis, Minnesota, who represents Plaintiff in the above-captioned action.
2. Fifty-nine (59) current and former healthcare workers who work(ed) for Defendant Delta-T Group, Inc., along with its Clients and Affiliates, have filed consent to opt-in forms for this lawsuit. These individuals worked at Defendant's office and/or its branch affiliate offices located in at least six states.
3. Plaintiff obtained documents involving a DOL investigation in approximately 2006 through a Freedom of Information Act request. The outcome of this investigation was not

among the documents obtained via the request. Defendant has not yet produced documents pertaining to this investigation.

4. True and correct copies of the following documents are attached to this Affidavit for Plaintiff's Memorandum of Law in Support of Motion for FLSA Conditional Collective Action Certification and Judicial Notice:

Exhibit 1 Plaintiff's proposed Judicial Notice;

Exhibit 2 Sample draft of Plaintiff's proposed reminder notice;

Exhibit 3 Declarations submitted by Plaintiff and opt-in Plaintiffs:

part a

- a) The First Amended Declaration of Temi Bambose;
- b) The Declaration of Mohamed Abbas-Fagiri;
- c) The Declaration of Modinat-T Atanda
- d) The Declaration of Clarence Beamer;
- e) The Declaration of Courtney Benjamin;
- f) The Declaration of Herman Bentley;
- g) The Declaration of Ruth Dupree;
- h) The Declaration of Rietta Ferrer;
- i) The Declaration of Arsenia Goode;
- j) The Declaration of Andrea Greenberg;
- k) The Declaration of Bernard Mayweather;
- l) The Declaration of Melissa Morgan;
- m) The Declaration of Keva Noel;
- n) The Declaration of Denise Norris;
- o) The Declaration of Shabron Norris;
- p) The Declaration of Vonda Norris-Wilson;
- q) The Declaration of Abigail Papa;
- r) The Declaration of Ladawne Smith;
- s) The Declaration of Valerie Smith;
- t) The Declaration of Stacy Thomas;
- u) The Declaration of Jasmine Watts;
- v) The Declaration of Kym Westry; and
- w) The Declaration of Dawn Williams.

Exhibit 4 Exerts from the deposition testimony of Plaintiff Temi Bambose, (June 22, 2007);

Exhibit 5 Exerts from the deposition testimony of Scott McAndrews, Executive Vice President for Defendant Delta-T Group, Inc. (June 23, 2009);

Exhibit 6 Exerts from the rough copy of the second deposition of Scott McAndrews, Executive Vice President for Defendant Delta-T Group, Inc. (July 14, 2009);

Exhibit 7 The Declaration of Ed Nason, former Affiliate Administrator for Delta-T;

Exhibit 8 Delta-T Group, Inc. Brochure;

Exhibit 9 Delta-T Group IC Broker Agreement (Jan. 1996);

Exhibit 10 Delta-T Group Services Agreement (May 2008);

Exhibit 11 Delta-T Group Independent Contractor Agreement (date unknown);

Exhibit 12 Delta-T Group four page Client Agreement (Dec. 1998);

Exhibit 13 Letter from Rachana M. Patel, Delta-T Group, Inc., to Ms. Karyl Carter, Internal Revenue Service, Department of Treasury (Nov. 16, 2000);

Exhibit 14 Letter from Rachana Patel, Delta-T Group, Inc., to U.S. Department of Labor, Wage & Hour Division (Aug. 28, 2006);

Exhibit 15 Exerts from Delta-T Group, Your Employee Handbook: A Guide to Benefits, Policies, and Practices (2001);

Exhibit 16 Delta-T Group, The Exchange (Jan. 2005);

Exhibit 17 Delta-T Group, The Exchange (Dec. 2005);

Exhibit 18 Memo: “Bullet-Point Factors Demonstrating Application of Administrative Exemption to Coordinators;”

Exhibit 19 Division of Labor Standards Enforcement, file notes (June 15, 2009);

Exhibit 20 Exerts from Recruiter 4 Windows Quick Start Guide;

Exhibit 21 “Brochures, Forms, and Other Downloads,” extracted from Delta-T Group, Inc.’s website on July 24, 2009;

Exhibit 22 “Office Locations,” extracted from Delta-T Group, Inc.’s website on June 1, 2009;

Exhibit 23 Compilation of websites for staffing agencies that provide similar services to those provided by Delta-T;

Exhibit 24 Placeholder for Delta-T Group, Inc., Event Full Details (extracted Feb. 23, 2009);

Exhibit 25 Interoffice Memo regarding DCF Case Guidelines from Melissa Brown, to all Delta-T Group ICs (August 30, 2006), including “A Guide to Case Notes,” “Outline of Responsibilities: Delta-T Group Supervision,” and “Supervision Documentation.”

Exhibit 26 Compilation of “progress notes,” and other case documentation;

Exhibit 27 Memorandum regarding NJPFC Paperwork Requirements from Kelley Zimmerman to Independent Contractors Delivering Services Under the New Jersey Partnership for Children (NJPFC) (Apr. 19, 2004); and Letter from Kelley Zimmerman, Staffing Coordinator, to Sherry Goldman (Mar. 18, 2004);

Exhibit 28 Letter to Contractors (Nov. 2, 2005) and blank timesheet;

Exhibit 29 List of “independent contractors” hourly rates;

Exhibit 30 Plaintiff Temi Bamgbose’s timesheet from the week of March 4, 2007;

Exhibit 31 Opt-in Plaintiff Vonda Norris-Wilson’s paystubs from Feb. 6, 2007, July 23, 2007, September 11, 2007, and September 25, 2007;

Exhibit 32 U.S. Department of Labor, Wage & Hour Division, “WHISARD Compliance Action Report” (registered Sept. 20, 2006);

Exhibit 33 Internal Revenue Service, Summary of Employment Tax Examination (reported Feb. 7, 2001);

Exhibit 34 Judicial Notice from Bishop v. AT&T Corp., 256 F.R.D. 503 (W.D. Pa. 2009); and

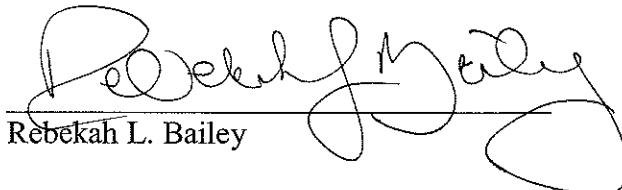
Exhibit 35 Unreported Cases cited in Plaintiff’s Memorandum of Law in Support of Motion for FLSA Conditional Collective Action Certification and Judicial Notice:

- a) Aquilino v. The Home Depot, Inc., No. 04-CV-4100, 2006 WL 2583563 (D.N.J. Sept. 7, 2006);
- b) Bosley v. Chubb Corp., No. 04CV4598, 2005 WL 1334565 (E.D. Pa. June 3, 2005);

- c) Chabrier v. Wilmington Fin., Inc., No. 06-4176, 2008 WL 938872 (E.D. Pa. Apr. 4, 2008);
- d) Cryer v. Intersolutions, Inc., No. 06-2032, 2007 WL 1053214 (D.D.C. Apr. 7, 2007);
- e) Delgado v. Ortho-McNeil, Inc., No. 07-263, 2007 WL 2877238 (C.D. Cal. Aug. 7, 2007);
- f) Goldman v. RadioShack Corp., No. 2:03-CV-0032, 2003 WL 21250571 (E.D. Pa. Apr. 16, 2003);
- g) Harris v. Healthcare Svcs. Group, Inc., No. 06-2903, 2007 WL 2221411 (E.D. Pa. July 31, 2007);
- h) Ingram v. Coach USA, Inc., Civ. No. 06-3425, 2008 WL 2811224 (D.N.J. Jan. 28, 2008);
- i) Loomis v. Cusa LLC, No. 09-26 RHK/AJB (D. Minn. July 2, 2009);
- j) Lugo v. Farmer's Pride Inc., Civ. No. 07-749. 2008 WL 638237 (E.D. Pa. Mar. 7, 2008);
- k) Montoya v. S.C.C.P. Painting Contractors, Inc., No. CCBV-07-455, 2008 WL 554114 (D. Md. Feb. 26, 2008);
- l) Oliver v. Aegis Comm. Group, Inc., 3:08-CV-828-K (N.D. Tex., Oct. 30, 2008);
- m) Pontius v. Delta Fin. Corp., No. 04-1737, 2005 WL 6103189 (W.D. Pa. July 22, 2005);
- n) Scott v. Heartland Home Fin. Inc., 2006 WL 1209813 (N.D. Ga. May 3, 2006);
- o) Smith v. Sovereign Bancorp, Inc., No. Civ. A. 03-2420, 2003 WL 22701017 (E.D. Pa. Nov. 13, 2003);
- p) Taylor v. Pittsburgh Mercy Health Sys., Inc., No. A-09-377, 2009 WL 1324045 (W.D. Pa. May 11, 2009);
- q) Westfall v. Kindle, No. 1:05-cv-00118, 2007 WL 486606 (N.D. W. Va. Feb. 15, 2007); and
- r) Wilson v. Guardian Angel Nursing, Inc., No. 3:07-0069, 2008 WL 4890589 (M.D. Ten. Nov. 12, 2008).

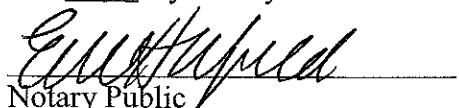
FURTHER AFFIANT SAYETH NOT.

Dated: 07/27/09



Rebekah L. Bailey

Subscribed and sworn to before me  
This 27th day of July 2009



Erin L. Hosfield  
Notary Public

